IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 18868 of 2007(U)

OS.4/1986 of SUB COURT, CHERTHALA

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PETITIONER:

ASOKAN S/O.DAMODARAN, AGED 58 YEARS,
RESIDING AT KALASIVELIYIL, KANJIKUZHY VILLAGE,
CHERTHALA.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

RESPONDENTS:

PURUSHOTHAMAN S/O.VELU,
KALATHIPARAMBIL, PERUMTHURUTH MURI,
KANJIKUZHY VILLAGE, CHERTHALA.

BY ADV SHRI. K.S.HARIHARAPUTHRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

WP(C).No. 18868 OF 2007 U

Dated this the 20th June, 2007.

JUDGMENT

This writ petition is filed seeking for a direction to the Subordinate Judge's Court, Cherthala to afford sufficient opportunity to the petitioner and examine witness Nos: 11 and 12 mentioned in Ext.P2 witness list. I had perused the papers produced before me and I feel that the learned Subordinate Judge did not grant sufficient time. The time sought for was very limited and certainly he could have given time enabling the party to summon the witnesses to prove the case. The witnesses to be examined are official witnesses, the court applied its mind and granted permission to examine those witnesses. Later the prayer was refused only on the ground that there was a delay of 1 or 2 days in taking steps. That shall not be a ground and therefore the writ petition is allowed and the learned Subordinate Judge, Cherthala is directed to permit the writ petitioner to examine witness Nos: 11 and 12 mentioned in Ext.P2 list within a period of ten days. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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